

17th August 2021

From:
Indira Singh
Additional District Judge
Court no.3
Deoria

To
The Administrative Judge- Bulandshahar (2021)
Hon'ble High Court of Judicature at Allahabad
Allahabad

Through- District Judge, Deoria

Sub: Prayer for upgrading of ACR entry.

Hon'ble Lordship

It is very distressing that I am caught in a predicament where a subordinate has to comment and challenge the remarks of a superior, but it is vital and a demand of necessity for future career prospects.

The undersigned most humbly wishes to bring to you kind notice that in the year 2019- 20 the work done by the undersigned was 1633.43 and the then District Judge Mr. Neel Kanth Sahay, appreciated the work and graded me as "Very Good", whereas in the year in question ie 2020-21, the work done by me is 1204 which is also morethan the prescribed quota in spite of the reason enumerated by me in the Self Assessmentie "*From 23.3.2020 to 7.6.2020 the court was closed due to COVID19 pandemic.Even after reopening of the court from08/06/2020 only urgent matters such asbail/ remand were taken up and since Iwas not holding the parent court/SplCourt there were no disposal onaccount of miscellaneous or Bail andlater on as per the guidelines ofHon'ble High Court dated 16.7.2020cases could not get matured due to nonrecording of evidences and hearing ofcases were selective.Again vide notification dt 9.10.2020 mycourt was changed and I took charge asSpl. Judge for SC/ST(PA) Act on10.11.2020 and the proper functioning ofcourts started from 02/01/2021.*"

The extraordinary situation arisen due to pandemic combined with myself not holding any special court (only Splcourts were functioning at that time),which led to limiting my court operationsdoes not imply that, I was inefficient.Rather, despite all these handicaps, I still managed to achieve more than the prescribed quota. It is pertinent to mention that when I was presiding as Special Judge for SC/ST(PA) Act for a brief period,my quota was 148 percent. However for a very significant period of time my court was functioning with meager count of files ie below 200, as the number of files transferred from 3rd March 2020 to 4th June 2020 were only 197. Even these facts were mentioned in the self-assessment, but it seems that they were not factored in while assessing me as mediocre and giving me a mere "Good". I would also like to bring to your kind notice that, I was not even assigned any of the special administrative work(Infrastructure Committee, Nazarath, Purchase Committee etc.) which would havefetched me additional quota. I am well aware that it is the sole prerogative / discretion of the District Judge to assign administrative work to judicial officer but at the same time I feel, Iwas equally efficient to handle such work and had never refused

to do so. I was not even issued any DO during the tenure regarding my work or conduct ,but the then -District Judge Dr.AjayaKrishna Vishveshagraded me as mere "Good" .

In **Sukhdev Singh Vs Union of India and Others Civil appeal no 5892/06** the Hon'ble Supreme Court has opined " *In our opinion, the view taken in Dev Dutt that every entry in ACR of a public servant 'must be communicated to him/her within a reasonable period is legally sound and helps in achieving threefold objectives. First, the communication of every entry in the ACR to a public servant helps him/her to work harder and achieve more that helps him in improving his work and give better results. Second and equally important, on being made aware of the entry in the ACR, the public servant may feel dissatisfied with the same. Communication of the entry enables him/her to make representation for upgradation of the remarks entered in the ACR. Third, communication of every entry in the ACR brings transparency in recording the remarks relating to a public servant and the system becomes more conforming to the principles of natural justice.*"

As per the above citation, though the ACR was communicated to me on 31.7.2021, but regarding transparency, It is pertinent to mention here that I was never issued any D.O. by the then District Judge . for my behavior, conduct and Judicial work. Neither did he indicate otherwise also, as to where and on what criteria outside the prescribed parameters set in the format, I was falling short.

After receiving the ACR and comparing it with other officer's Grades, I fail to understand, how few of the judges got outstanding and on the very same parameters few selected Judicial officers were graded as "Very Good", and why I was graded as mere GOOD. No justification, reason/ remark for this discrimination was mentioned in the ACR.

This kind of discrimination brings down the moral of the officers and creates a very unhealthy unproductive environment.

It is also significantly detrimental to my future career prospects.

I most humbly pray that considering the above grounds and keeping in view my future career prospects, my ACR may please be upgraded.

The undersigned once again humbly prays that the grounds and circumstances enumerated above for upgrading the entry may please be considered sympathetically and objectively.

The undersigned would be highly obliged.

With Regards,

Thanking You

कन्यादेव जलपुत्र न्यायाधीश केवारे
936/20
दिनांक 17-08-2021

अज्ञात

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17-08-2021

Yours Sincerely

(Indira Singh)

Additional District Judge

Court no3

Deoria